

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

XL SPECIALTY INSURANCE COMPANY, a)
Delaware corporation,)
Plaintiff,)
v.)
PAUL J. KING, JR., an Illinois citizen,)
SANDRA DIXON JILES, an Illinois citizen, and)
SHAM DABADGHAO, an Illinois citizen,)
Defendants.)

Case No. 08 CV 2377

**JOINT MOTION TO EXTEND TIME TO ANSWER
OR OTHERWISE PLEAD AND TO
EXTEND TIME TO SUBMIT DISCOVERY SCHEDULE**

Defendant, Paul J. King, Jr. (“King”), by and through its attorneys, Kevin P. Brown, Esq. and Rieck and Crotty, P.C., and Plaintiff, XL Specialty Insurance Company, but its attorneys, Joel R. Page, Jr. and Leo & Weber, P.C., hereby move the Court, pursuant to Rule 6 of the Federal Rules of Civil Procedure, for an extension of time to answer or otherwise plead to Plaintiff, XL Specialty Insurance Company’s (“XL”), Complaint for Breach of Indemnity Contract (“Complaint”) and for an extension of time to submit a discovery schedule and in support thereof, states as follows:

1. This is a cause of action for breach of an Agreement of Indemnity (hereinafter "Indemnity Agreement") in which UBM, Inc. ("UBM"), a construction company, and the Defendants herein agreed to indemnify and hold harmless XL from and against all losses, costs and expenses as a result of the issuance of a construction bond to UBM.

2.. UBM is a principal obligor and contract indemnitor but is not named as a defendant in this litigation because it is a debtor in bankruptcy proceeding pending in the Northern District of Illinois, Eastern Division, Case Number 06-17219.

3. In addition, the Defendant, Sandra Dixon Jiles, has filed a personal bankruptcy.

4. As of the date of the filing of this Motion, the Defendants, King and Sham Dabadghao (“Dabadghao”), have been served and the movant herein, King, has filed his appearance.

5. The Defendants, King and Dabadghao, through counsel have also met with Plaintiff’s counsel and begun discussions regarding various possibilities regarding the settlement of this litigation.

6. The settlement discussions remain on going.

7. The parties believe that at the present time their efforts are better spent attempting to settle the present litigation prior to incurring the cost of litigating this matter further.

8. Accordingly, King and Plaintiff would request that Defendants’ time to answer or otherwise plead to Plaintiff’s Complaint and the time to submit a discovery schedule to the Court be extended to September 30, 2008.

9. Such an extension, will allow the remaining Defendants herein to complete their settlement discussions with the Plaintiff.

WHEREFORE, Defendant, Paul J. King, Jr., and Plaintiff, XL Specialty Insurance Company, request, pursuant to Rule 6 of the Federal Rules of Civil Procedure, that Defendants time to answer or otherwise plead to Plaintiff's Complaint and the date by which the parties must submit a discovery schedule be extended to September 30, 2008.

Respectfully submitted,

PAUL J. KING, JR., Defendant

By: /s/ Kevin P. Brown
One of its attorneys

XL SPECIALTY INSURANCE COMPANY,
Plaintiff

By: /s/ Joel R. Page, Jr.
One of its attorneys

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